

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

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RICHARD A. MCBRAYER, #235965,

Petitioner,

CIVIL NO. 04-CV-73235-DT

v.

HONORABLE LAWRENCE P. ZATKOFF

HUGH WOLFENBARGER,

Respondent.

F I L E D
AUG 27 2004

CLERK'S OFFICE
DETROIT

ORDER REQUIRING RESPONSIVE PLEADING

The petition for a writ of habeas corpus has been examined. It is not subject to summary dismissal under Rule 4, Rules Governing Section 2254 Cases.

IT IS ORDERED that the Clerk of the Court serve a copy of the petition and a copy of this Order on Respondent and on the Attorney General for the State of Michigan by certified mail as provided in Rule 4.

IT IS FURTHER ORDERED that Respondent file an answer responding to the allegations of the petition in accordance with Rule 5 by **MARCH 3, 2005**. As part of the answer, Respondent may raise claims that petitioner: (1) has not exhausted his/her habeas issues; (2) may not obtain federal review because of a procedural default; (3) has filed a successive petition; and/or (4) is barred for any other procedural reason from seeking federal habeas review.

IT IS FURTHER ORDERED that, as part of the answer, Respondent shall file with the Clerk a copy of any prior decision, pleading, brief and/or transcript needed to adjudicate the issues presented. A separate index listing the materials being submitted shall also be filed.

Paul J. Komives

PAUL J. KOMIVES

UNITED STATES MAGISTRATE JUDGE

DATED: Aug. 26, 2004

CERTIFICATION

I certify that, on the date indicated below, I arranged for service as provided above, and I mailed a copy of this order to petitioner.

Dated: 8/27/04

[Signature]
Deputy Clerk

04-73235
Zatkoff.

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